

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. 10/734,014  
Applicant(s): JOHN G. NUNAN  
Filed: December 11, 2003  
TC/A.U. 1795  
Examiner: Matthew J. Merkling

Confirmation No.: 2369

Title: EXHAUST TREATMENT DEVICE, AND METHODS OF MAKING  
THE SAME

Docket No.: 034166.053  
Customer No.: 25461

**MAIL STOP RCE**

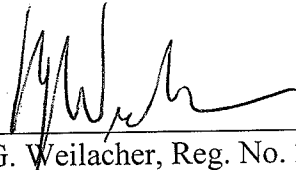
Commissioner for Patents  
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Alexandria, VA 22313-1450  
Sir:

**RESPONSE TO NOTICE OF IMPROPER  
REQUEST FOR CONTINUED EXAMINATION**

In response to the Notice of Improper Request for Continued Examination mailed August 6, 2008, applicant hereby submit the outstanding fees in the amount of \$810 via credit card payment.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:   
Robert G. Weilacher, Reg. No. 20,531

Date: August 8, 2008  
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# UNITED STATES PATENT AND TRADEMARK OFFICE


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25461 e 08/06/2008

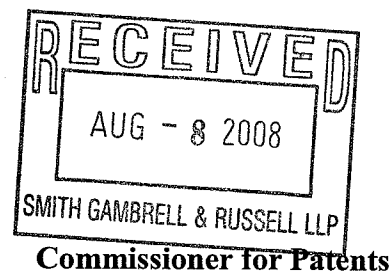
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**Paper No.**

Application No.: 10/734,014 	Date Mailed: 08/06/2008
First Named Inventor: Nunan, John, G.	Examiner: MERKLING, MATTHEW J
Attorney Docket No.: 034166.053	Art Unit: 1795
Confirmation No.: 2369	Filing Date: 12/11/2003

**Please find attached an Office communication concerning this application or proceeding.**

*8/8/08bw*



**NOTICE OF IMPROPER REQUEST FOR  
CONTINUED EXAMINATION (RCE)**

Application No.  
10/734,014

Applicant(s)  
NUNAN, JOHN G.

Art Unit  
1700

Date Mailed:

The request for continued examination (RCE) under 37 CFR 1.114 filed on 04 August, 2008 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☒ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☐ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

***A copy of this Notice MUST be returned with the reply.***

Direct any questions concerning this notice to

/TYWANA P. LOVELACE/, Technology Center 1700

Telephone Number: (571)272-1027